IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

CRIMINAL APPLICATION NO. 2269 OF 2007

1. Mr.Rajeev Vasanth Sheth,
2. Avinash Dattaram Khale ... Applicants.

V/s.

The State of Maharashtra. ... Respondent.

Kuldeep S. Patil for the applicants.
K.V.Saste, APP for the State.

CORAM: V.C.DAGA, J.

DATED: 13th July 2007.

P.C.:

. Heard learned counsel for the applicants and learned A.P.P. for the State.

2. The applicants have invoked jurisdiction of this Court under section 438 of Code of Criminal Procedure, 1873 for anticipatory bail on the apprehension of arrest in connection with C.R.No.01/2007 registered with the Alibag Police Station, Raigad under sections 3/131, 36/134 and 38/136 of the Bombay Police Act and under section 188 read with section 34 of Indian Penal Code on the complaint of one Shri Suresh Namdeo Gaikwad, Police Sub-Inspector, Alibag Police Station dated 1st

January, 2007.

3. The act alleged against the present applicant is that on 31st December, 2006 at about 23.00 hours, one Mrs.Sumera Abdul Gani Abdul Ali made a complaint on telephone that the loud speakers were kept in a high volume in the bungalow situated at Kihim owned by the applicant. That is how, on the basis of this information, complaint came to be lodged against the applicants.

4. Considering the nature of offence, I am inclined to grant anticipatory bail in favour of the applicants, subject to the following conditions:

(a) that in the event of arrest of the applicants, viz., (i) Mr.Rajeev Vasanth Sheth and (ii) Avinash Dattaram Khale, in connection with C.R.No.01/2007 registered with Alibag Police Station, Raigad, they shall be released on bail of Rs.50,000/- with one or two sureties to make up the said amount.

(b) that they shall not, directly or indirectly, make any inducement or threat or pressurise the witnesses of the prosecution and shall not in any manner tamper with the evidence.

(c) that the applicants shall report to the Alibag Police Station as and when called. and shall co-operate with the investigating agency. They shall furnish undertaking to the investigating agency that they shall not repeat the same in future. It is needless to mention that breach of any of the conditions by the applicants shall result in cancellation of bail.

(d) that this order of anticipatory bail shall remain operative till the chargesheet is filed. After the chargesheet is filed, it would be open for the applicant to apply for regular bail before regular court.

3. Application stands disposed of accordingly.

JUDGE